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UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

MICHAEL D. LOCKWOOD and ALGONQUIN  
CAPITAL MANAGEMENT, LLC, a  
Connecticut Limited Liability Company,

Plaintiffs,

vs.

JOSEPH MACEDA,

Defendant.

Case No. 07-cv-07524 (HB)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon (i) the accompanying Certification of Michael D. Lockwood; (ii) plaintiff Algonquin Capital Management, LLC's Statement of Material Facts pursuant to Local Rule 56.1; (iii) the accompanying memorandum of law; and (iv) all other papers and proceedings filed and had herein, plaintiff Algonquin Capital Management, LLC will move this Court, before the Honorable Harold Baer, Jr., United States District Judge, at the Daniel Patrick Moynihan Courthouse, Courtroom 23B, 500 Pearl Street, NY, NY 10007, for an Order pursuant to Fed. R. Civ. P. 56, granting summary judgment in favor of plaintiff in an amount totaling no less than \$1,658,822.55, as adjusted for contractual interest and late charges accruing, plaintiff's costs and expenses including reasonable attorneys' fees, pre and post-judgment interest, and such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that defendant must serve its answering papers, if any, within 10 business days of the service hereof, pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

DATED: New York, New York  
January 29, 2008

SULLIVAN & WORCESTER LLP

By: /s/Barry S. Pollack  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date she provided a true and correct copy of the Notice of Motion, the Certification of Michael D. Lockwood, Algonquin Capital Management, LLC's Statement of Material Facts pursuant to Local Rule 56.1, and the Memorandum of Law in Support of the Motion for Summary Judgment to counsel of record via overnight mail delivery and via the Court's ECF notification system:

Dated: January 29, 2008  
New York, NY

/s/ Mary Cecilia Sweeney  
Mary Cecilia Sweeney